

1 Tanya D. Dennis  
2 2027 Woolsey Street  
3 Berkeley, CA 94703  
4 (510) 638-2077

**FILED**

DEC 13 2010

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

10 TANYA D. DENNIS,

11 Plaintiff, Pro Per

12 vs.

13 WELLS FARGO BANK, N.A., ALSO KNOWN  
14 AS WACHOVIA MORTGAGE, A DIVISION OF  
15 WELLS FARGO BANK, N.A., AND  
16 FORMERLY KNOWN AS WACHOVIA  
17 MORTGAGE, FSB, FORMERLY KNOWN AS  
18 WORLD BANK SAVINGS BANK, FSB., and  
19 JOHN AND JANE DOES 1-5

20 Defendants

) Case No.: C10-01596CW(LB)

) **PLAINTIFF'S AFFIDAVIT IN**  
) **OPPOSITION TO**  
) **DEFENDENT'S MOTION FOR**  
) **SUMMARY JUDGMENT**  
) **BASED UPON FIFTEEN**  
) **MATERIAL FACTS IN DISPUTE**

) **EXHIBIT SUBMISSION**

) Judge Claudia Wilken

21  
22 Due to Plaintiff's eviction by the Sheriff's on Tuesday, November 7th, Plaintiff was not  
23 able to assemble her Affidavit completely and omitted her exhibits which are submitted herein  
24

25 Respectfully Submitted,

26   
27 Tanya Dennis  
28

12/12/10

TO (Name and Address): <b>Tanya D Dennis</b>  <b>2027 Woolsey Street</b>  <b>Berkeley, CA 94703</b>		LEVYING OFFICER (Name and Address):  <b>Alameda County Sheriff's Office</b> <b>Sheriff's Civil Unit</b> <b>Room 104</b> <b>1225 Fallon St.</b> <b>Oakland, CA 94612</b>
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY:  <b>Alameda County Superior - Berkeley</b> <b>2120 Martin Luther King Jr. Wy</b> <b>Berkeley, CA 94704</b> <b>Berkeley Courthouse</b>		(510) 272-6910 Fax: (510) 272-6811  <b>California Relay Service Number</b> <b>(800) 735-2929 TDD or 711</b>
PLAINTIFF: <b>Wells Fargo Bank NA</b> DEFENDANT: <b>Tanya D Dennis</b>		COURT CASE NO.:  <b>BG10517115</b>
<b>Eviction Restoration Notice</b>		LEVYING OFFICER FILE NO.:  <b>2010009651</b>

To: Evicted Tenants, Property Owners, Their Agents and The Local Police:

By virtue of a Writ of Execution for Possession of Real Property, the following property was restored to the landlord on:

<b>Eviction Date:</b>	<b>Tuesday, December 07, 2010</b>
<b>Eviction Address:</b>	<b>2027 Woolsey Street</b> <b>Berkeley, CA 94703</b>

Pursuant to Penal Code Sections 419 and 602, and judgment debtor, any persons removed by the Sheriff or Marshal, or any person not authorized by the landlord, who enters the real property after eviction, may be subject to arrest.

Pursuant to California Civil Procedure sections 715.010(b)(3) and 715.030, all personal property left on the premises has been turned over to the landlord. The landlord is responsible for the safe keeping of tenant's property for fifteen (15) days from the date of eviction. The landlord may charge a reasonable fee for removal and storage of the property. However, upon demand of the tenant, the landlord must return the tenant's property if the tenant pays all costs incurred by the property owner for storage and maintenance. If the costs are not paid by the tenant and the tenant does not take possession of the property left behind before the end of the fifteen (15) day period, the landlord may either sell the property at public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), if the property is valued at less than \$300.00, the landlord may dispose of the property or retain it for his own use. (1174 CCP)



Date: 120710

**Gregory J. Ahern**  
**Sheriff-Coroner**

By: ICR Camacho #245

Sheriff's Authorized Agent

November 10<sup>th</sup>, 2010

Tanya D. Dennis  
2027 Woolsey Street  
Berkeley, CA 94703

Ms. Dennis,

Thank you for allowing us to conduct your forensic loan audit. We have already begun to audit the three loans that you have on your property located at 2027 Woolsey Street, Berkeley, CA 94703. We have discovered numerous breaks in the assignments of your first and second mortgages, as well as numerous other violations. Since your first and second mortgages are securitized we will need an additional twenty one days to complete the audit in its entirety. Here are points of reference for you to use in your motions.

Wells Fargo Home Mortgage was not in possession of the mortgage note when they recorded a Notice of Default on December 17<sup>th</sup>, 2009

World Savings bank did not file any of the proper assignment s for the first or second mortgages when Wells Fargo Home Mortgage became the servicer

Wells Fargo Home Mortgage did not notify the junior lien holders of the NOD and NTS

Both the first mortgage and second mortgages have been securitized with Fidelity Select Biotechnology # 316390772and Fidelity Advisor Global Capital # 751

First mortgage securitized November 2009

Second Mortgage securitized January 2007

Again these are just brief highlights from our research and you will have a full audit as stated above. Please contact us with any questions.

Respectfully,

J.D. Davis  
Director  
Asset Management Team



### AFFIDAVIT

I, J. D. Davis, being duly sworn, do hereby state:

- 1) I am Director of the Asset Management Team, of AMR Management Group a Division of ARM Enterprises located in Los Angeles California, and have been in that capacity for approximately five years. I have been trained in various positions in the real estate industry for approximately nine years, ranging from land acquisitions, foreclosures, distressed asset liquidation, residential leasing, government contracting, senior housing developments, commercial developments, mixed use land developments and real estate sales. I am also qualified to conduct certified forensic loan audits.
- 2) On or about November 1, 2010, Ms. Tanya D. Dennis hired me to conduct a forensic loan audit on her home located at 2027 Woolsey Street, Berkeley, CA 94703. At that time I discovered numerous breaks in the assignments of her first and second mortgages, as well as numerous other violations.
- 3) Ms. Dennis' first Mortgage in the amount of \$507,000.00 was securitized in November 2009 to HSBC Bank, an in-house transaction that was not properly filed.
- 4) Ms Dennis' second Mortgage in the amount of \$25,000.00 was securitized in January of 2007.
- 5) The first mortgage was then securitized to Fidelity Advisor Global Capital # 751.
- 6) The second mortgage has been securitized to Fidelity Select Biotechnology #316390772.
- 7) Wells Fargo Home Mortgage was not in possession of the mortgage note when they recorded a Notice of Default on December 17, 2009.
- 8) World Savings bank did not file any of the proper assignments for the first or second mortgages when Wells Fargo Home Mortgage as the servicer
- 9) Wells Fargo Home Mortgage did not notify the junior lien holder, Valiant Ventures LLC, New Mexico, of the Notice of Default, and the Notice of Trustee Sale. Valiant Ventures LLC holds a \$417,000.00 note against the property and were not offered the opportunity to cure this default

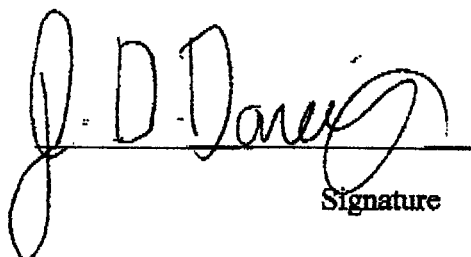
Further investigation has determined that based upon the securitization of the first and second, and the break in the chain of title, that Wells Fargo is not the creditor and does not have standing to collect on any debt associated with 2027 Woolsey Street, Berkeley, California 94703.

Based upon the evidence in the Promissory Note and the Deed of Trust, World Savings Bank breached their contract with Ms. Tanya Dennis on November of 2009 and again in January 2007.

I swear under penalty of perjury, fine or imprisonment that all statements in this affidavit are true.

J. D. Davis

November 29, 2010

A handwritten signature in cursive script, appearing to read "J. D. Davis", written over a horizontal line. The signature is fluid and stylized, with a large loop at the end.

Signature

Sworn to before me on the 29th day of November 2010.

---

Notary

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of

Los Angeles

On

Nov 29, 2010

before me,

Channa Scott, notary Pub

(here insert name and title of the officer)

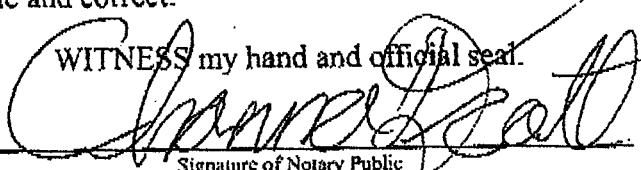
personally appeared

J. Davis AKA Jarrett D. Davis

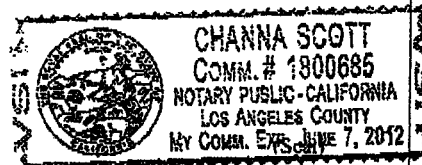
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature of Notary Public



## ADDITIONAL OPTIONAL INFORMATION

### INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

#### DESCRIPTION OF THE ATTACHED DOCUMENT

Affidavit

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages

2

Document Date

Nov29, 2010

(Additional information)

#### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☐ Corporate Officer

(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ✦ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ✦ Indicate title or type of attached document, number of pages and date.
  - ✦ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document



# AFFIDAVIT

I, J. D. Davis, being duly sworn, do hereby state:

- 1) I am Director of the Asset Management Team, of AMR Management Group a Division of ARM Enterprises located in Los Angeles California, and have been in that capacity for approximately five years. I have been trained in various positions in the real estate industry for approximately nine years, ranging from land acquisitions, foreclosures, distressed asset liquidation, residential leasing, government contracting, senior housing developments, commercial developments, mixed use land developments and real estate sales. I am also qualified to conduct certified forensic loan audits.
- 2) On or about November 2nd, 2010, Ms. Tanya D. Dennis hired my firm to begin negotiations to buy the mortgage notes from the entities that currently held them on her home located at 2027 Woolsey Street, Berkeley, CA 94703.
- 3) After our research we discovered that her mortgages were held in two different hedge fund's and one by a private investor.
- 4) We have been negotiating with Victor Thay, and his assistant Ann Victors at Fidelity Advisors since November 2<sup>nd</sup>, 2010 directly to purchase the first and second mortgage notes.
- 5) On November 17<sup>th</sup>, 2010 a formal offer was sent over to purchase the note in the amount of \$1,250.00 which was a non performing asset.
- 5) On Wednesday November 24<sup>th</sup>, 2010 Ann Victors informed us she received the authorizations from our company and needed a clearer copy for her records.

J. D. Davis

November 29, 2010

Signature

Sworn to before me on the 29th day of November 2010.

Notary

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Los Angeles

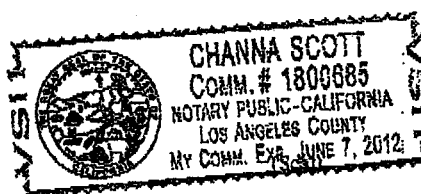
On Nov 29, 2010 before me, Channa Scott, notary public  
(here insert name and title of the officer)  
 personally appeared J.D. Davis AKA Jarrell D. Davis

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Channa Scott  
 Signature of Notary Public



## ADDITIONAL OPTIONAL INFORMATION

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 (Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 1 Document Date Nov 29, 2010  
 (Additional information)

#### CAPACITY CLAIMED BY THE SIGNER

☒ Individual(s)

☒ Corporate Officer

Secretary  
 (Title)

☐ Partner(s)

☐ Attorney-in-Fact

☐ Trustee(s)

☐ Other \_\_\_\_\_

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- Securely attach this document to the signed document



# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Los Angeles

On Dec 1, 2010 before me, Channa Scott, Notary Public  
(here insert name and title of the officer)  
 personally appeared J.D. Davis, Jarrell Davis

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Channa Scott  
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Number of Pages 2 Document Date Dec 1,

2010

(Additional information)

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☐ Corporate Officer

(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

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GetNet™ was designed to assist mortgage servicers in meeting agency certifications and to avoid costly penalties for filing late satisfaction pieces.

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- Provides title searches to identify mortgage holders.
- Provides online reporting capabilities.

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INF2	Obtain from Online Public Records Lot Block or Section	\$5.50 + SH
INF3	Obtain Property Address	\$5.50 + SH
INF4	Obtain Recorded Mortgage, Book, Page or Instrument Number	\$12.95 + TPC
INF5	Obtain Vehicle Identification Number	\$12.95 + SH
CT01	Cursory Title Search to Identify Mortgagee of Record	\$15.95 + TPC
TS01	Perform Complete Title Search	\$15.95 + TPC
SI01	Obtain Copy of Mortgage	\$12.95 + TPC
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SI03	Retrieve Certified Copies of Mortgages	\$12.95 + TPC
PA01	Obtain Copy of Power of Attorney or Name Certification	\$12.95 + TPC
PA02	Record Power of Attorney	\$12.95 + TPC

PA03	Obtain Clerk Certified Copy of Power of Attorney	\$12.95 + TPC
IC01	Obtain Copy of Installment Contract from VA	\$15.95 + SH
SA01	Obtain Copy of Subordination Agreement	\$15.95 + TPC
MA02	Obtain Copy of Modification	\$15.95 + TPC
MI01	Obtain Copy of MIC	\$12.95 + SH
MI02	Correct MIC	\$12.95 + SH
LG01	Obtain Copy of LGC	\$12.95 + SH
LG02	Correct LGC	\$12.95 + SH
TP01	Obtain Copy of Title Policy Within 7 years (based on calendar year)	\$19.95 + TPC
TP02	Correct Existing Title Policy	\$19.95 + TPC
TP03	Obtain Copy of Title Policy over 7 years (based on calendar year)	\$29.95 + TPC
TP04	Obtain Quotes to Write and Order New Lenders Title Policy	\$29.95 + TPC
TP05	Obtain Abstract from Title Company (State of Iowa)	\$15.95 + TPC
TE02	Correct Title Policy Endorsement	\$15.95 + TPC
LN02	Create Lost Note Affidavit	\$12.95 + SH
NA01	Create Note Allonge	\$12.95 + SH
NC01	Name Affidavit	\$12.95 + SH
IA01	Obtain Copy of Assignment	\$15.95 + TPC
IA02	Retrieve Certified Copies of Assignments	\$15.95 + TPC
IA03	Create Missing Intervening Assignment	\$35.00 + TPC
IA04	Record Prepared Assignments	\$12.95 + TPC
IA05	Cure Defective Assignment	\$12.95 + TPC
IS01	FHA and VA Mortgage Insurance Submission	\$95.00 + TPC
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- Complete the **DOCX GetNet™** Service Agreement and obtain a Client ID. **CALL DOCX Marketing at: 888/DOCX-NET 888/362-9638 or email [sales@docx.com](mailto:sales@docx.com)** for an Agreement and Client ID.
- Once you complete the agreement and obtain a Client ID you can submit **GetNet™ Work Order Forms**. Clients can send work orders via the internet, email, fax, or mail. **CALL DOCX Marketing at: 888/DOCX-NET 888/362-9638 or email [sales@docx.com](mailto:sales@docx.com)** for a Work Order form, *or* how to submit **GetNet™ Work Order Forms** online.
- Contact **DOCX Support at 800/723-0215 Ext 3014 or email [support@docx.com](mailto:support@docx.com)** for requirements and procedures of email and online **GetNet™ Work Order Form**.